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# THE FETHA NAGAST

The Law of the Kings

Translated from the Ge'ez

by

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PUBLISHED BY THE FACULTY OF LAW  
HAILE SELASSIE I UNIVERSITY  
*Addis Ababa, Ethiopia*

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Case: 4:17-cv-02409-BYP Doc #: 52-3 Filed: 04/17/19 2 of 13. PageID #: 580

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PREFACE

CONQUERING LION OF THE TRIBE OF JUDAH  
HAILE SELASSIE I  
ELECT OF GOD, EMPEROR OF ETHIOPIA

The long and great history of Our country demonstrates that Our people have always both administered and lived according to the law. Our people were at first ruled by Mosaic law, but after the advent of Christianity to Ethiopia they came later to be governed by the Fetha Nagast—a work combining both spiritual and secular matters, the former part pertaining to the spiritual, the latter to the temporal affairs of Our people. The Fetha Nagast has been venerated, supported, and applied by both the government of Our Empire and by the Church. The names of scholars learned in this law are famous in the history of Ethiopia, particularly since the reign of Emperor Zar'a Ya'qob when both the study and enforcement of the Fetha Nagast began.

By the Providence of the Almighty this bulwark of the law was preserved for Our people. Venerated for many centuries, it provided for Our people an invaluable source of legal principles.

When we ascended Our Imperial Throne and enacted a Penal Code compiled on the basis of the Fetha Nagast, We made all necessary provision for the printing of the Fetha Nagast, in order that it might be available to Our people. Owing however to the invasion of Our country by the enemy, the copies which had already been printed, but not distributed, were burnt together with the printing press.

When, with the assistance of the Almighty, We returned victorious to Our country and subsequently made provision for the codification of Our laws, realizing that those who had helped us in the process of codification had availed themselves of the provisions of the Fetha Nagast, We ordered that its text be printed together with a commentary thereon, and offered to Our people for their assistance.

We are pleased that this great work, for so many centuries the basis of law and the administration of justice in Our country, has now, under the auspices of the Faculty of Law of the University to which We have given Our name, been translated into English so that it may be known to scholars of other countries.

No modern legislation which does not have its roots in the customs of those whom it governs can have a strong foundation. The effort which has been made by the Faculty of Law of Our University to disseminate the knowledge not only of the new codification but also of the historically rooted legal practices of Ethiopia, which by the providence of the Almighty we have preserved, and which are the source of Our new legislation is befitting and deserving of Our warmest approval.

Given at Our Imperial Palace in Addis Ababa this 29th day of August 1968.

Haile Selassie I  
Emperor

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[www.ethiopianorthodox.org](http://www.ethiopianorthodox.org)

## TABLE OF CONTENTS

Imperial Preface	v
Foreword	xv
Translator's Note	xxx
Editor's Note	xxxi
Footnote Conventions	xxxiii
[PREFACE]	1
<b>PART ONE</b>	
<b>CHAPTER I: THE CHURCH AND WHAT CONCERN'S IT</b>	11
<b>CHAPTER II: THE DIVINE BOOKS WHICH MUST BE ACCEPTED BY THE HOLY CHURCH AND WHICH ARE EIGHTY-ONE IN NUMBER</b>	13
<b>CHAPTER III: BAPTISM AND THOSE WHO EMBRACE THE FAITH</b>	14
<b>CHAPTER IV: PATRIarchs</b>	17
Part I. [taken] from [various] books	17
Part II. [arrived at] by reasoning	
<b>CHAPTER V: BISHOPS</b>	24
I. [Before his election and consecration]	24
II. His consecration	27
III. After his consecration	28
<b>CHAPTER VI: PRIESTS</b>	43
I. The requirements	43
II. On ordination	43
III. The rank	43
IV. The precepts pertinent to him	44
V. The part which deals with the causes that bring about a priest's deposition	45
VI. On one who is not impeded from performing his duties	47
<b>CHAPTER VII: DEACONS</b>	48
Part I. The requirements necessary to appointment	48
Part II. Ordination of deacons	48
Part III. Provisions regarding deacons	49
Part IV. On obedience	50
Part V. Causes for deposing a deacon from his rank	51
<b>CHAPTER VIII: SUBDEACONS, THE ANAGNOSTES OR LECTORS, DOORKEEPERS, SINGERS, AND DEACONNESSES</b>	52
Section I. The requirements necessary for appointment	52
Section II. On their ordination	52



The Ethiopian Orthodox Tewahido Church Faith and Order  
[www.ethiopianorthodox.org](http://www.ethiopianorthodox.org)

Section III. On their duties	53
Section IV. Causes of deposition not laid down in the preceding chapter and in the chapter on priests	53
Section V. Things they may do	53
<b>CHAPTER IX: ON PRIESTS AND THOSE WHO FOLLOW THEM: [MATTERS] OTHER THAN THOSE DEALT WITH IN DETAIL IN THE PRECEDING CHAPTERS</b>	
[Section] I. On those who are worthy to be priests and what impedes one from becoming a priest	54
Section II. On ordination	55
Section III. On ranks	56
[Section] IV. [On what clergymen must do, and on the proper behavior among clergymen and laymen]	57
[Section] V. Causes of punishment	60
<b>CHAPTER X: MONKS AND NUNS</b>	65
I. On their status	65
II. The requirements necessary to becoming a monk	65
III. What a monk must do with his wealth pursuant to monastic practice	66
IV. The obligations of monks	66
V. The abbot of the monastery, his lay servant, the other members [of the community], the administrator and the doorkeeper	68
VI. On the obedience of monks and the observance of the rules governing them	70
VII. Causes of punishment	73
VIII. Nuns and pious widows	74
<b>CHAPTER XI: ADVICE AND PRECEPTS FOR THE LAYMEN AND FOR THE COMMUNITY OF THE FAITHFUL</b>	76
Part I. deals with matters concerning all people	76
Part II. [deals with the relationship of parents and children, husbands and wives, and masters and servants].	79
Part III. Matters that entail punishment	81
<b>CHAPTER XII: ON MASS</b>	82
<b>CHAPTER XIII: EUCHARIST</b>	85
<b>CHAPTER XIV: PRAYER</b>	88
<b>CHAPTER XV: ON ALL THE FASTS</b>	93
<b>CHAPTER XVI: ALMS</b>	98
<b>CHAPTER XVII: THE ONE IN CHARGE OF GOODS GIVEN IN ALMS, THE PROPERTY OF THE CHURCH, AND THE OFFERINGS MADE TO THE CHURCH: HOW THEY MUST BE GIVEN AND DISTRIBUTED, AND OTHER RELATED MATTERS</b>	105
Part I. That the bishop be responsible for all property of the church and use it to support himself and the priests and deacons who are poor	105

**The Ethiopian Orthodox Tewahido Church Faith and Order**  
[www.ethiopianorthodox.org](http://www.ethiopianorthodox.org)

Part II. On the necessity of appointing administrators for the income and expenditures of the church and on the necessity of giving separate places for the sick and pilgrims and appointing assistants for them	106
Part III. The distribution of alms	107
<b>CHAPTER XVIII: TITHES, FIRST-FRUITS, VOWS AND CHARITABLE LEGACIES</b>	
Part I. [Tithes and first-fruits]	108
Part II. [Vows and charitable legacies]	108
<b>CHAPTER XIX: SUNDAYS, SATURDAYS, AND FEAST DAYS OF THE LORD, AND WHY THEY ARE CELEBRATED</b>	
<b>CHAPTER XX: MARTYRS, CONFESSORS AND APOSTATES</b>	
<b>CHAPTER XXI: THE SICK</b>	
<b>CHAPTER XXII: THE DEAD</b>	
<b>[P A R T T W O ]</b>	
<b>CHAPTER XXIII: THE FOOD, CLOTHING, DWELLING-PLACE, AND TRADES PROPER FOR CHRISTIANS</b>	
<b>CHAPTER XXIV: BETROTHAL, DOWRY, MARRIAGE AND WHAT FOLLOWS THEM</b>	
Section I. [The purposes of marriage]	130
Section II. Promise of marriage	134
Section III. Betrothal	138
Section IV. The duty of the father towards his son concerning marriage	141
Section V. Definition of marriage and matters concerning it	142
Section VI. The marriage which may be dissolved	148
<b>CHAPTER XXV: PROHIBITION OF CONCUBINES: CONCUBINE AND WOMAN WITH MARRIAGE BOND</b>	
<b>CHAPTER XXVI: DONATION</b>	
<b>CHAPTER XXVII: LOAN, PLEDGE, GUARANTY, AND ADMINISTRATION</b>	
<b>CHAPTER XXVIII: LOAN FOR USE</b>	
<b>CHAPTER XXIX: DEPOSIT</b>	
<b>CHAPTER XXX: MANDATE</b>	
<b>CHAPTER XXXI: LIBERTY, SLAVERY, AND THE MANUMITTED</b>	
<b>CHAPTER XXXII: GUARDIANSHIP</b>	
<b>CHAPTER XXXIII: SALE, PURCHASE, AND RELATED MATTERS</b>	
Section I. [Requirements for a contract of purchase and sale]	183
Section II. [Damage to the object sold]	185
Section III. [Trial, and defects in the object sold]	186
Section IV. Things which may not be bought and sold	188

The Ethiopian Orthodox Tewahido Church Faith and Order  
[www.ethiopianorthodox.org](http://www.ethiopianorthodox.org)

Section V. What is to be abstained from, and what constitutes improper practice in selling and buying	189
Section VI. [Modification of contract]	191
Section VII. Assignment [of debt]	191
<b>CHAPTER XXXIV: PARTNERSHIP</b>	<b>192</b>
<b>CHAPTER XXV: COERCION AND DURESS</b>	<b>195</b>
<b>CHAPTER XXXVI: LEASE AND LESSOR</b>	<b>199</b>
<b>CHAPTER XXXVII: ON STREETS, SQUARES, PATHS, REPAIR OF BUILDINGS, AND THE FLOW OF WATER TO FIELDS AND RIVERS IN THE COUNTRYSIDE, AS FOUND IN THE ABTELIS</b>	<b>206</b>
§. Provisions on jointly owned buildings	206
§. Provisions on the distance between buildings and trees	207
§. Repair of buildings and servitudes	208
§. Waters	209
§. Purchase of buildings	210
§. On the measure of a narrow street, extracted from all the canons laid down in this chapter	211
§. Part on judgments deduced by reasoning and added to what has been said in the Abtelis	212
§. What comes after that which has already been dealt with in this chapter	213
<b>CHAPTER XXXVIII: ON LOAN</b>	<b>214</b>
<b>CHAPTER XXXIX: CONFESSION [OF LIABILITY]</b>	<b>216</b>
Part I. [The one who may confess]	216
Part II. The one in whose favor confession is made	216
Part III. The thing which is admitted [as owed to someone]	217
Part IV. The formula of confession and its interpretation	217
<b>CHAPTER XL: ON WHAT IS FOUND AFTER HAVING BEEN LOST AND ON WHAT FLEES TO PUBLIC PLACES, SUCH AS THE COUNTRYSIDE, STREETS, MARKETS, BATHS, SHOPS AND CHURCHES</b>	<b>219</b>
Part I. It deals with things which move from place to place	219
Part II. The boy who is lost and then found	221
§. Part which comes after the preceding	222
<b>CHAPTER XLI: THE ONE WHO MAKES A WILL REGARDING HIS PROPERTY</b>	<b>223</b>
Section I. The will and the way it is drawn up	223
Section II. The testator	225
Section III. The heir	226
Section IV. The thing bequeathed	227
Section V. The administrator appointed by the will	232
<b>CHAPTER XLII: SUCCESSION</b>	<b>235</b>

The Ethiopian Orthodox Tewahido Church Faith and Order  
[www.ethiopianorthodox.org](http://www.ethiopianorthodox.org)

Section I.	The first thing to be done with what is left [that is, what is found of the deceased's estate], and the number of days during which the heirs are protected from claims attached to their inheritance	235
Section II.	The complete exposition explaining the provisions on succession and the order of the heirs' degree	236
Section III.	On what a husband inherits from his wife and a wife from her husband	237
Section IV.	On the rule of succession, which is made up of two degrees	239
Section V.	The succession of a father to his children	240
Section VI.	[The next four degrees]	240
Section VII.	[The next two degrees]	242
Section VIII.	[The next two degrees]	243
Section IX.	[The next two degrees]	243
Section X.	[The remaining degrees of succession]	243
Section XI.	On the succession of bishops and monks	244
Section XII.	On slaves and those who are manumitted	245
Section XIII.	Those who may not inherit and those from whom one may not inherit anything	246
<b>CHAPTER XLIII: THE JUDGE AND WHAT CONCERNSS HIM AND WITNESSES</b>		249
Section I.	The appointment of a judge	249
Section II.	On his powers	251
Section III.	Provisions regarding the judge	252
Section IV.	On how he discharges his functions	253
Section V.	On oath	255
Section VI.	The tribunal, those who go there, and those who do not	257
Section VII.	The time and manner of judgment	258
Section VIII.	On peaceful settlements	261
Section IX.	[Section providing] that Christians shall not bring suit at the court of infidels; that judges shall be appointed from among archpriests or priests; that no one shall judge in [a case involving] himself; and that no one shall refuse to appear before the judge when a lawsuit is brought against him	262
Section X.	Provisions on the continuation of the judge in his office	263
Section XI.	On dismissal of a judge from his office	263
Section XII.	Of witnesses	264
Section XIII.	Provisions regarding witnesses	268
<b>CHAPTER XLIV: KINGS</b>		271
Section I.	[The requirements necessary]	271
Section II.	[The obedience owed to a king by his subjects]	271
Section III.	[What the king owes to the church]	272
Section IV.	[What the king must do for his people]	273

**The Ethiopian Orthodox Coptic Church Faith and Order**  
[www.ethiopianorthodox.org](http://www.ethiopianorthodox.org)

Section V. [On those faithful who are taken prisoners]	275
<b>CHAPTER XLV: MISCELLANEOUS MATTERS TAKEN FROM THE OLD AND NEW TESTAMENTS WHICH MUST BE MENTIONED IN THIS BOOK, OTHER THAN THOSE MENTIONED IN THE RESPECTIVE CHAPTERS</b>	276
<b>CHAPTER XLVI: THE PUNISHMENT OF THOSE WHO DENY THE HIGHEST GOD, BLASPHEME HIM, AND WORSHIP OTHERS, AND ON WHAT LEADS TO THIS [IMPIETY], SUCH AS SORCERY, MAGIC AND FORETELLING [THE FUTURE] WITH THE FRUITS OF TREES, GRAIN AND OMENS</b>	286
Section I. Apostasy [from the faith]	286
Section II. The punishment for each kind of apostasy	286
Section III. The punishment of one who leads others to worship another, who is not God — to Whom be glory! — as the highest God, such as sorcerers, magicians and soothsayers who foretell the future by watching the ground, the fruits of trees, cherries, palms shell, or omens	288
<b>CHAPTER XLVII: HOMICIDE AND ITS CORPORAL AND SPIRITUAL PUNISHMENT, AS CONTAINED IN ITS CANONS</b>	289
[Section on corporal punishment]	289
Section on spiritual punishment	296
<b>CHAPTER XLVIII: CORPORAL AND SPIRITUAL PUNISHMENT FOR FORNICATION</b>	297
Section I. On corporal punishment	297
Section II. On the spiritual punishment for fornication	299
<b>CHAPTER XLIX: CORPORAL AND SPIRITUAL PUNISHMENT OF THIEVES</b>	302
I. [The corporal part]	302
II. The spiritual [part]	303
<b>CHAPTER LI: DRUNKENNESS, USURY, THE REBELLIOUS SON, [FALSE] ACCUSATION, AND A NUMBER OF [OTHER] SINS</b>	304
I. Drunkenness	304
II. Usury	304
III. The rebellious son	305
IV. [False] accusation	305
V. Witchcraft	305
VI. Arson	305
VII. On miscellaneous sins	306
VIII. [Sins against the church or its priests]	306
<b>CHAPTER LII: [PROVISIONS] ON HAIR, CIRCUMCISION, CONFESSION [OF SINS] AND ON WHATEVER THE [CHURCH'S] CHIEF MAY ADD OR ABROGATE IN HIS DAYS, IN ACCORDANCE WITH WHAT IS PERMITTED IN THE [SACRED] CANONS</b>	307

Case: 4:17-cv-02409-BYP Doc #: 52-3 Filed: 04/17/19 9 of 13. PageID #: 587

The Ethiopian Orthodox Tewahido Church Faith and Order  
[www.ethiopianorthodox.org](http://www.ethiopianorthodox.org)

## CHAPTER XV ON ALL THE FASTS<sup>1</sup>

Fasting is abstinence from food, and is observed by man at certain times determined by law, to attain forgiveness of sins and much reward, obeying thus the One who fixed the law. Fasting [also] serves to weaken the force of concupiscence so that [the body] may obey the rational soul.

All the faithful are obliged to observe the fast of forty days as did Christ—may He be praised!—the fast which comes to an end on the Friday of Fesh,<sup>2</sup> and after it [the fast of] the week of Crucifixion. These fasts shall be observed until the end of the day, and during that time no blooded animal<sup>3</sup> nor what is produced<sup>4</sup> by animals shall be eaten. And also the fasts of Wednesday and Friday of every week [shall be observed], except during the fifty days,<sup>5</sup> and during the feasts of Christmas and Baptism,<sup>6</sup> when these feasts fall on these days. On fast days one must fast until the ninth hour, as it is written.

There are other fasts which have been established by the Coptic Church. Some of these are similar to the Lenten fast in the strictness [of the provisions regarding their observance]; these are the week of Herkal, which falls before the great fast,<sup>7</sup> the three days' fast of the people of Nineveh, the fast on the Eve of Christmas, and the fast on the Eve of Baptism. Other fasts are less [strict],<sup>8</sup> like the fasts of Wednesday and Friday; such a fast is the fast preceding Christmas, which begins in the middle of Hedar<sup>9</sup> and ends on the feast of Christmas. There is also the fast of the Apostles which follows the feast of Pentecost and ends on Hamle 5,<sup>10</sup> which

1. Gloss: "the seven fasts." These seven fasts are: 1) የፌዴራል : Eves of Christmas and Epiphany; 2) የገዢ : Lent; 3) አዋጅታት : the Holy Week; 4) የቅርቡ : Friday; 5) ፈርድ : Wednesday; 6) የመስቀል : the fast of the Apostles including that of the Assumption of the Holy Virgin; 7) የገዢአለት : Advent. If the Eves of Christmas and Epiphany are counted separately, የገዢና ፈርድ : Friday and Wednesday are lumped together and the number of fasts remains unchanged (2/158). Another system of counting the fasts is: 1) ሚከተት : Advent; 2) የፌዴራል : Eves of Christmas and Epiphany; 3) የገዢና ፈርድ : Friday and Wednesday; 4) ትተማ : the fast of the Ninevites 5) የገዢ : Lent; 6) የመስቀል : the fast of the Apostles; 7) የገዢአለት : the fast of the Assumption of the Holy Virgin, POEFNM 219-2.
2. That is, the Friday following Passion Sunday. In the Ethiopian liturgical Calendar, Passion Sunday corresponds to ቤተክርስቲያን : "Nicodemus Sunday"; hence, the Friday in question is known as የገዢ ቤተክርስቲያን : "Nicodemus Friday." የገዢ ቤተክርስቲያን : "Friday of Fesh," is also taken to mean the Friday before Easter, Good Friday, POEFNM 216-3. See also the internal gloss on pp. 94-95 below.
3. Gloss: "including fish"; but see following passage.
4. Milk, butter, cheese, eggs, etc. See the gloss and POEFNM 217-1.
5. The fifty days between Easter and Pentecost.
6. The feast of Epiphany.
7. This is the fast known as የመስቀል አድራሻ : "the fast of Erasius," which falls a week before Lent.
8. They are less strict in that the minimum time limit for fasting is nine hours whereas in others cases it extends from twelve to thirteen hours, POEFNM 218-2 and (2/158).
9. Late November.
10. Mid-July.

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[www.ethiopianorthodox.org](http://www.ethiopianorthodox.org)

is the feast of Peter and Paul. These fasts must be observed in their entirety, because they were observed by the people together with many patriarchs, whose number exceeds [that of the bishops gathered at] a few Councils whose canons are observed.<sup>11</sup> Finally, there are some fasts which are observed by many people. Such is the fast preceding the feast of Our Lady, which is observed mainly by hermits and monks; it begins on the first of Nehase<sup>12</sup> and ends on the feast of Our Lady.

In the fasts laid down by law, one shall fast until the ninth hour of the day.<sup>13</sup> No meat shall be eaten during that period unless it is fish.<sup>14</sup> He who observes a fast more strictly than is commanded shall receive a greater reward. On Sunday and Saturday, one shall not fast; however, one shall abstain from milk products.

Fasting is the tribute of the body, just as giving alms is the tribute of wealth. The purpose of the law in imposing fasting is to weaken the force of concupiscence and to make the latter submit to the rational soul, just as the purpose of prayer is to make the force of anger submit to the mind. And through the benefit we derive from fasting, we resemble spiritual [beings]. With this resemblance, he who emulates gains the power to approach the [spiritual] model.

Fasting is commendable, as the person who fasts is enabled to realize the suffering of hunger and may have pity for the hungry and those who ask for alms. [One must] also [fast] in order to receive the Eucharist having an ardent desire to be fed with it and in order to receive it with a spiritual and corporeal eagerness. [One must] also [fast] in order to give worship to the Lord in every way, by fasting properly. [Thus, when one fasts, he worships the Lord] with the animal half of his nature, whereas with prayer he [worships the Lord] with the spiritual half of his nature. And in the canons laid down on fasting [it is written]: DESQ 29. "The Lenten fast that begins on the second Monday of the week<sup>15</sup> and ends on the Friday preceding Fesh,<sup>16</sup> that is, the week subsequent to which the week of Fesh comes," shall be revered among you. After that you shall be careful and complete the week of the Holy Easter after the Lenten fast."

**GLOSS:** The week preceding the week of Easter is known as the week of Fesh.

And so they have commanded us to fast on six days [of the Holy Week], and to fast on Wednesday and Friday of every week. On Wednesday, because the consultation<sup>17</sup> was made that day, and on Friday, because the will of Our Lord was done. People shall rest from fasting on the seventh day at cock-crow. One shall not fast on Saturday, for on that day the Lord rested from His work; but on the [Holy] Saturday one shall fast, because on that day the Creator of all creatures was lying in a tomb. 30. In these six days, only bread, salt and

11. Guidi's interpretation is followed (5/159).

12. First week of August.

13. Gloss: "reckoned from the morning."

14. አለበቃ፡፡፩፡፡ "except fish," in manifest contradiction to the obvious meaning, is also interpreted as ባ፡፡፩፡፡ "including fish," POEFNM 219-2.

15. More precisely: "The Lenten fast begins on the Monday which follows ዘመኑ፡፡ 'Zawarada Sunday,'" POEFNM 220-2.

16. See n. 2 *supra*.

17. That is, አገኗ፡፡ ስምላት፡፡ "the week of the Crucifixion," or the Holy Week; but see n.2 *supra* and the internal gloss following the text above.

18. The consultation to kill Christ.

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water shall be taken. You shall abstain from wine and meat on these days, because they are days of sorrow and not days of feasting. You shall fast on Friday and Saturday [of the Holy Week]; and whosoever can, shall on these days not take anything until cock-crow at night. If someone cannot fast on both days, he shall observe the fast of Saturday. Our Lord has said in reference to himself: "When the bridegroom shall be taken away from them, then they shall fast."<sup>19</sup> You shall fast on these days until night, as we did when He was taken from us.

After the celebration of the feast of Pentecost is over, you shall celebrate again another week and then you shall fast,<sup>20</sup> having rested. Again we command you to fast on every Wednesday and Friday, and if you can fast more than this, do it, and give alms to the poor.

GLOSS of the chosen teacher who compiled this book, may the Lord have mercy on him!: The proof that we must not eat during this week<sup>21</sup> is that at the place where we are commanded to fast on Wednesdays and Fridays, Pentecost, Christmas, and Baptism are also mentioned [as the days on which we are permitted to eat], but nothing is said about this week. If it were similar to the days on which one is permitted to eat and not to fast, such as the above days, it would have been mentioned explicitly. Moreover, this week is not included in the days on which we are commanded not to fast and not to prostrate ourselves as happens on Sundays, Saturdays, and the feasts of the Lord. Also he who has failed to observe his duties during the Holy Week has been commanded to postpone them until the feast of Pentecost is over. Then if one were permitted to eat in the week following the feast of Pentecost after having eaten for fifty days, it would have said: "and also [eat in the week] following the feast of Pentecost." Moreover the word used is "celebrate"; therefore, with regard to this week it has been said only: "Make a feast," [which does not mean "eat"].

GLOSS: [Thus] it shows that the fasts of Wednesday and Friday [must be observed] during this week. It does not prove that one must spend [threw eek eating]. Basil and Chrysostom have said that "to celebrate" does not mean "to eat"; and it is known that to celebrate on fast days consists of reading what is appropriate to the feast and not of eating on that day. The canon has commanded us then, to celebrate for three days, when a bishop is consecrated; it is known that we do not eat during those three days if they fall on fast days, nor is the feast celebrated with eating. Moreover, they have ended this canon by saying: "If you can fast more than this, do it." Therefore, if dispute should arise on fasting, to fast is better than to eat.<sup>22</sup> Also, there were councils held by as few as twenty [bishops]; we have observed the fast during this week in the lifetime of many Patriarchs of Alexandria, whose number is more than twenty.<sup>23</sup> If we fail to observe [what is the same as] the command of a council, it would not be a good thing; it would be an act contrary to the council, especially because it would be in opposition to the perfection of our law, made up of a bad thing—namely, making our greed for food manifest. Moreover, as Moses fasted before announcing to the people the Law of the Pentateuch he

19. Mt. 9, 15; Mk. 2, 18; Lk. 5, 33.

20. Gloss: "...the fast of the Apostles and that of Friday and Wednesday."

21. The week following the feast of Pentecost, POEFNM 222-1.

22. Gloss: "...because through fasting one acquires honor."

23. As there are councils that were attended by twenty bishops whose canons are observed as law, this fast, observed during the lifetime of more than twenty patriarchs, must be considered as one prescribed by a regular council. See also Guidi's interpretation (text/163).

**The Ethiopian Orthodox Tewahido Church Faith and Order**  
[www.ethiopianorthodox.org](http://www.ethiopianorthodox.org)

received from the Lord in the feast of fifty days, Our Lord also fasted after the descent of the Holy Spirit on Him, before giving His Law to the people. So the Apostles also fasted when the Holy Spirit descended upon them on the feast of Pentecost, before preaching the Christian Law to the people; and we are guided by them in this matter. The end of the gloss.

RSTA 28. If Christmas coincides with and falls<sup>24</sup> on a fast day, that is, Wednesday or Friday, the faithful shall pray and receive the Holy Mystery and shall not break the fast until the ninth hour. RSTB 40. If one is traveling at sea and [does not fast because he] is unaware of the days of the Holy Week, he shall fast after the feast of Pentecost. It is not the period of the Holy Week as such which he observes,<sup>25</sup> but something like it; he must fast to compensate for missing it. RSTG 60; RSTB 48. Whosoever does not observe the Lenten fast and the fasts of Wednesdays and Fridays, if he is a priest, shall be deposed unless he is visibly ill; if he is a layman, he shall be segregated. RSTB 40; RSTG 7. If a priest celebrates the Holy Week before night and day are equal<sup>26</sup> he shall be deposed. And those clergymen who fast on Sundays and Saturdays other than the great Saturday of the Holy Week, shall be deposed.

DAQ 31. We must not celebrate the feasts of martyrs during the Lenten fast; rather, the commemoration of martyrs shall be celebrated on Sundays and Saturdays. 52. No wedding shall be celebrated during the Lenten fast, nor shall there be any celebration if a woman gives birth to child then, and no people shall be invited to a drinking house to drink during that time. BAS 77. No clergyman shall drink wine during the Lenten fast nor during the fasts on Wednesday and Friday, nor shall he enter the [public] bath. Man shall not sleep with his wife on fast days. 40. In case the feast of martyrs falls on a fast day and the bishop or priest celebrates the feast and causes the people to eat on account of the death of the martyrs, he shall be deposed, for he has been the cause of scandal to many souls. If the people eat of their own will, the bishop or the priest shall expel them; it is not proper to eat on the feast day of martyrs when the feast falls on a fast day, since the martyrs were put to death and burnt with fire in a state of hunger and thirst. Regarding the days of Christmas and Baptism as well as the feast of Pentecost, the Council of Nicaea commanded that mass be celebrated at night.

During the Holy Lenten fast, for the first week people shall fast until sunset; afterwards, they shall fast until the eleventh hour; but during the days of the Holy Week it shall be until the stars come out. No one shall wear ornaments on those days; women shall put aside their ornaments. Everyone must avoid [lying down with his wife] during the Lenten fast and the Holy Week, because our redemption and the forgiveness of our sins occurred during this period. It is an act contrary to the law of marriage for one [spouse] to stay near the other in bed during the Lenten fast. Woe to him who commits this sin in the days of the Holy Week. If we fulfill our will in pleasure in the Holy Lenten fast, where then will be our joy to see the resurrection? And fasting does not consist merely of [taking] bread and water only; the fast which is acceptable before God is living in purity of heart. If the body is hungry and thirsty, but the soul eats whatever it likes and the heart is entirely given to delights, what benefit derives from your fast?

24. Arabic text: "If a feast falls..." (3/163).

25. "He must not demand that the church ceremonies of the Holy Week be performed for his sake." POEFNM 224-1.

26. አጥቃት : "Holy Week" stands for ቤትናል : "Easter"; hence the passage should read: "If a priest does not celebrate Easter in conformity with the exact date of the movable feasts, he shall be deposed." See POEFNM 224-2 for other interpretations.

Case: 4:17-cv-02409-BYP Doc #: 52-3 Filed: 04/17/19 13 of 13. PageID #: 591

The Ethiopian Orthodox Tewahido Church Faith and Order  
[www.ethiopianorthodox.org](http://www.ethiopianorthodox.org)

GLOSS: KRESTA 30. One shall fast for forty days with mortification and humility and must abstain from taking milk products. No one shall get married, nor shall any baptism take place during the Holy Week. There shall be no ordination of priests or funeral services for the dead, and all must be fully devoted to the church in those days. On Palm Sunday, therefore, the office of the dead, the book of the Apostles, the Gospel, and the absolution for those who will die during the Holy Week shall be read. On Thursday, the prayer of salutation, the [prayer] "Lord of living," and the prayer of benediction shall not be recited. But on Saturday the "Lord of living," the absolution, and the prayer of incense—without the kiss—shall be recited. The dead shall not be enshrouded on Sunday, nor shall there be any weeping on Easter day. And the canon also says that there shall be no joyful feasts, nor shall there be any weeping, ordination of priests, baptism, or weddings during the fast, with the exception of prayers for the dying and the baptism of those who are in danger of dying.

GLOSS: This is found in the canons of the Kings. The rule concerning the great fast is that it must last for eight weeks. It begins at the end of winter—this does not mean the keramit of Ethiopia—and ends at the beginning of summer, with five days of fasting in each week. People shall eat on Saturday, which is the feast of the Ancient Law, and on Sunday, which is the feast of the New Law. People shall not eat seasoned food. The fasts of Wednesdays and Fridays shall always be observed, except on the feasts [of Christmas and Baptism] and during the fifty days [between Easter and Pentecost]. For [the love of] God, His obedient [servants] are obliged to observe the fast of His Disciples after the feast of Pentecost, with the exception of Saturdays and Sundays.